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*Attorney for Defendant*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NORTHWEST ENVIRONMENTAL	) No. C 03 - 05760 SI
ADVOCATES, et al.,	)
	) <b>JOINT STIPULATION TO CONTINUE</b>
Plaintiffs,	) <b>BRIEFING AND HEARING DATES FOR</b>
	) <b>PLAINTIFFS' MOTION FOR ATTORNEYS'</b>
v.	) <b>FEES AND COSTS PURSUANT</b>
	) <b>TO EAJA; PROPOSED ORDER</b>
UNITED STATES ENVIRONMENTAL	)
PROTECTION AGENCY,	)
	)
Defendant.	) <b><i>NO HEARING REQUESTED</i></b>

This Joint Stipulation is filed by Defendant United States Environmental Protection Agency and Plaintiffs Northwest Environmental Advocates, *et al.* In support of this Joint Stipulation, the parties state as follows:

Plaintiffs in this case have filed a Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act. (Dkt. 127) (the "Fee Motion"). The Fee Motion is currently calendared for hearing on April 3, 2009 (Dkt. 143). The parties are engaged in settlement discussions concerning the Fee Motion and therefore stipulate to a continuance of the hearing on said Motion until July 17, 2009, or such later date as is convenient for the Court. The parties further stipulate that Defendant's response to the Fee Motion will be due June 5, 2009, and Plaintiffs' reply will be due June 19, 2009.

Respectfully submitted and agreed to this 2<sup>nd</sup> day of April, 2009:

JOHN C. CRUDEN  
Acting Assistant Attorney General  
Environment and Natural Resources Division

By: s/ Martin F. McDermott  
MARTIN F. McDERMOTT, Attorney  
Environment and Natural Resources Division  
Environmental Defense Section  
U.S. Department of Justice  
*Attorney for Defendant*

*Of Counsel:*  
DAWN M. MESSIER  
Office of General Counsel, U.S. EPA  
Washington, D.C. 20460

*STIPULATED AND AGREED TO BY:*


s/ Deborah Sivas  
DEBORAH A. SIVAS  
Environmental Law Clinic  
Mills Legal Clinic at Stanford Law School  
559 Nathan Abbott Way  
Stanford, California 94306  
*Attorney for Plaintiffs*

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**[PROPOSED] ORDER**

Upon consideration of the parties' Joint Stipulation, the hearing on Plaintiffs' Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act, currently set for April 3, 2009, is continued until July 17, 2009. Defendant's response to said Motion will be due June 5, 2009; Plaintiffs' reply will be due June 19, 2009.

DATED: 4/2/09

  
\_\_\_\_\_  
Hon. Susan Illston, United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of April, 2009, the foregoing JOINT STIPULATION TO CONTINUE BRIEFING AND HEARING DATES FOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO EAJA and PROPOSED ORDER have been served electronically through the Court's ECF system on counsel of record.

/s/ Martin F. McDermott  
Martin F. McDermott

